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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa: implementation of General Assembly resolution 48/191 and possible requirements for future work

Report of the Secretary-General

I. INTRODUCTION

1. By its resolution 47/188 of 22 December 1992, the General Assembly established an Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, with a view to finalizing such a convention by June 1994.

2. In resolution 48/191 of 21 December 1993, the General Assembly urged the Committee to complete the negotiations successfully by June 1994. The Assembly further requested the Secretary-General to report to it, at its forty-ninth session, on the implementation of the resolution.

3. At the end of its fifth session, on 17 June 1994, and having fulfilled its mandate to adopt a convention, the Committee adopted resolution 5/2 on interim arrangements to apply during the period beginning with the adoption of the Convention and ending with the first meeting of the Conference of the Parties. In the same resolution, the Committee requested the Secretary-General to include in his report to the General Assembly at its forty-ninth session proposals for further sessions of the Committee and to enable the ad hoc secretariat established pursuant to resolution 47/188 to continue its activities on an

interim basis until the permanent secretariat of the Convention was designated by the Conference of the Parties and began operating.

4. The present report responds to the requests of the General Assembly and of the Committee. It supplements the information already provided to the Assembly in the report of the Secretary-General under the corresponding agenda item at the forty-eighth session (A/48/226).

II. FUTURE WORK

A. General considerations

5. The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, is the first legally binding multilateral agreement adopted as a follow-up to the United Nations Conference on Environment and Development, held at Rio de Janeiro from 3 to 14 June 1992. It is consistent with the relevant chapters of Agenda 21. 1/ The Convention addresses a major environmental problem that has confronted the international community for decades and requires urgent action. The need for urgent action, particularly in the region most affected by desertification, was recognized by Committee members through the adoption of the resolution on urgent action for Africa.

6. The Convention represents a departure from past efforts by the international community to address the problem of desertification. It is an innovative document in many respects, dealing not only with what needs to be done but also with how it is to be done. Its implementation is centred on the elaboration of action programmes at the national, subregional and regional levels through a consultative and participatory process. It reflects a new approach which emphasizes:

(a) A "bottom-up" philosophy involving the participation of local populations and non-governmental organizations in the preparation and implementation of action programmes;

(b) A long-term and iterative framework which fully integrates the physical and biological dimensions with the social and economic realities, making it possible to adapt action programmes according to experience and to advances in scientific research;

(c) The redirection of scientific and technological efforts in a demand-driven approach, emphasizing the utility of scientific knowledge to local populations;

(d) The integration of action programmes to combat desertification and mitigate the effects of drought in national policies for sustainable development;

(e) The adoption of specific criteria and benchmarks to measure progress and the obligations to report on and review regularly implementation;

(f) The establishment of a conference of the parties to oversee the implementation of the Convention in the light of experience gained and of scientific research;

(g) The establishment of a committee on science and technology, which can draw on ad hoc panels of experts from a roster of scientists nominated by Governments and which will oversee a network of institutions collecting and analysing relevant data, sharing information and experiences and promoting technology;

(h) The establishment of a financial mechanism to promote actions leading to the mobilization and channelling of substantial financial resources with emphasis on multiple-source financing;

(i) Consultative processes leading to partnership agreements bringing together affected countries and the developed and other countries, as well as international organizations, to support the preparation and implementation of action programmes.

7. The concept of partnership agreements embodied in the regional implementation annex for Africa is of particular relevance because it serves to emphasize the need for close cooperation among the various actors of the international community, which is prescribed by the convention and a key to its success. The implementation phase will require an unprecedented degree of coordination not only between affected countries and other parties supporting action programmes in the framework of partnership agreements, but also among the various members of the latter group.

B. Preparations for the first meeting of the Conference of the Parties and provisional implementation of the resolution on urgent measures for Africa

8. The Convention will enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession. The first meeting of the Conference of the Parties must be held not later than one year after the date of entry into force of the Convention. While it is risky to make projections and to compare conventions dealing with different subject-matters, such a comparison may provide a broad indication of what may be expected in terms of timetable. The United Nations Framework Convention on Climate Change, which also required 50 ratifications, entered into force on 21 March 1994, 21 months after its opening for signature in June 1992, and the first meeting of the Conference of the Parties will be held in March/April 1995, nearly three years after its opening for signature. The Convention on Biological Diversity, which required only 30 ratifications, entered into force on 29 December 1993, 17 months after its opening for signature, and the first meeting of the Conference on the Parties is due to be held in November 1994, two and one-half years after its opening for signature. Should these precedents hold true in the present case, this would suggest that the Convention might enter into force in the course of 1996 and that the first meeting of the Conference of the Parties might take place in the first half of 1997.

9. A considerable amount of work will need to be carried out during the interim period leading to the first meeting of the Conference of the Parties with a view to ensuring its smooth functioning as well as the prompt implementation of the various operative provisions of the Convention. Preparatory work can be divided into two main areas: (a) institutional and substantive issues requiring a decision at the first meeting of the Conference of the Parties; and (b) issues relating to the implementation of the resolution on urgent action for Africa and other substantive matters which may arise at the first meeting of the Conference of the Parties.

10. Following the organization of its work, the Committee's first issue to be taken up at the January 1995 session will be the development and adoption of a work programme for the duration of the interim period. While it is desirable to adopt a specific timetable to enable adequate planning by Governments and to ensure provision of the required support, the work programme will have to be flexible enough to take into account uncertainties with respect to the duration of the interim period. Further preparatory work should address, as a matter of priority, institutional matters that require a decision by the Conference of the Parties at its first meeting and are essential to its functioning. These include the drafting of rules of procedure and financial rules, the election of a Bureau, the preparation of a programme of activities and a budget, including those of subsidiary bodies, as well as the designation of a permanent secretariat and arrangements for its functioning.

11. Preparatory work will also be required with respect to several matters of substance which, in accordance with the provisions of the Convention, must be considered at the first meeting of the Conference of the Parties. These include the identification of an organization to house the global mechanism for the mobilization and channelling of financial resources and arrangements with the organization identified for its administrative operations, as well as deciding on the terms of reference of the Committee on Science and Technology.

12. In addition, it might be necessary for the Committee to examine, during the interim period, other substantive issues that may arise at the first meeting of the Conference of the Parties. These include such matters as a procedure to exchange information on measures taken in implementation of the Convention, including the form and intervals for transmitting such information, and facilitating assistance to affected developing countries in communicating information; with respect to scientific and technical cooperation, consideration of how best to obtain any required scientific advice during the interim period, including the possible drawing up of a roster of experts and establishment of ad hoc panels, as well as initiating work on the identification of entities to become part of a network of institutions; and consideration of procedures and mechanisms for the solution of questions that may arise with regard to the implementation of the Convention. Other possible areas of work during the interim period include the initiation of measures with respect to capacity-building and activities relating to the promotion of ratification and public awareness.

13. Another important area of Committee activity during the interim period will be to keep under review the implementation of the resolution on urgent action for Africa, including the preparation of action programmes and the establishment

of partnership arrangements, as well as taking decisions and making recommendations on any action required, consistent with the resolution, to ensure its effective implementation. This will involve the review of actions taken with respect to the preparation of action programmes, of the coordinating process among the various actors leading to the conclusion of partnership agreements, and of activities of the interim secretariat aimed at facilitating the implementation of the resolution.

C. Arrangements for work during the interim period

Meetings of the Committee

14. The main tasks of the Committee during the interim period are outlined above. As can be seen, a large amount of work is required. The optimal number of Committee meetings in the interim period depends on such factors as the pace of work, the capacity of Governments to participate in the light of competing demands on officials and the time needed between meetings for consultations and for the interim secretariat to carry out the background work and prepare the needed documentation. In this connection, the General Assembly will have to consider whether to authorize the Committee to decide itself on its schedule of meetings or to decide by resolution on a detailed schedule setting out the number of meetings and their duration and venue. While the former approach has the advantage of providing the desirable flexibility, enabling the Committee to adjust its programme according to progress made, the second provides the predictability required for planning and budgeting purposes.

15. With these considerations in mind and in view of the significant amount of work to be carried out, the General Assembly may wish to combine these two approaches. For example, it could adopt a schedule with details of one meeting in 1995 in addition to the January meeting already approved, and approve in principle two meetings in 1996 and one in 1997, leaving the Committee to agree on their timing, duration and venue.

Secretariat support

16. Article 35 of the Convention and Committee resolution 5/2 on interim arrangements provide indications regarding arrangements during the interim period. Both documents prescribe that measures be taken to ensure that the ad hoc secretariat established by General Assembly resolution 47/188 is able to continue its activities on an interim basis until the permanent secretariat of the convention is designated by the Conference of the Parties and begins operating. This would provide the desirable continuity in supporting the work of the Committee.

17. The Committee secretariat, in collaboration with United Nations departments, programmes and specialized agencies, has provided substantive support to the deliberations of the Committee, facilitated participation in its sessions by developing countries and assisted, on request and subject to the availability of funds, affected countries in their preparatory work leading to the implementation of the Convention. It has also managed the extrabudgetary

funds set up by General Assembly resolution 47/188 under the authority of the Secretary-General.

18. These functions will evolve but will continue to be required during the interim period, as the Secretariat will be responsible for supporting the sessions of the committee and facilitating the implementation of the resolution on urgent measures for Africa in accordance with article 25 of the convention and paragraph 14 of the resolution. The workload is likely to increase as the Committee makes decisions on activities relating to the implementation of the Convention, some of which may require support by the secretariat. Other tasks of the secretariat will include the coordination of its actions with those of other United Nations agencies and international organizations, including the secretariats of other conventions, and activities to promote ratification of the Convention and raise public awareness, as well as increased understanding of the contents of the Convention.

19. While some adjustments are still required, the secretariat currently has, to a large extent, the human resources required to carry out its functions during the interim period. However, apart from several positions funded by the regular budget of the United Nations, the continued availability of staff members depends on the availability of financial resources from voluntary contributions and on the continuation of a number of arrangements with Governments.

20. Consistent with Committee resolution 5/2 on interim arrangements, the Secretary-General will, in due course, make detailed proposals regarding secretariat arrangements and their funding, covering the period up to and including the first session of the Conference of the Parties and taking into account the anticipated workload.

Extrabudgetary funding

21. In its resolution 5/2 the Committee also appeals to Governments to make voluntary contributions to the extrabudgetary funds established under General Assembly resolution 47/188 in order to support the interim arrangements and to ensure the full and effective participation of developing countries, in particular those in Africa and the least developed countries, in all the sessions of the Committee, as well as the adequate representation of non-governmental organizations from developing countries. The replenishment of these funds will continue to be critical to the performance of secretariat functions and to the proper functioning of the Committee, the exact amount of funding required being dependent on the work programme to be drawn up by the Committee.

Notes

1/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.